

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2008-19**

A RESOLUTION UPHOLDING RESOLUTION PC 2008-08 RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT AGREEMENT (DA 2007-02) FOR THE VINEYARD OAKS SUBDIVISION, ZONING ORDINANCE TEXT AMENDMENT (ZO 2008-01), TENTATIVE SUBDIVISION MAP (TTM 2007-02) AND DESIGN REVIEW (DR 2008-01), A 15-LOT RESIDENTIAL SUBDIVISION LOCATED AT 2400 GRANT STREET AND 1881 MORA AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013 & 014 AND 011-021-002)

1 **WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning
2 Ordinance to provide an alternative means for residential projects to satisfy the
3 affordable housing requirements and to subdivide approximately 18 acres of land into 15
4 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a
5 lot line adjustment with the property to the east along Mora Avenue strictly for utility and
6 emergency vehicle access;

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8 **WHEREAS**, the Planning Commission originally considered the Development
9 Agreement at its regular meeting of March 12, 2008 and prior to taking action on the
10 application, the Commission received written and oral reports by the Staff, and received
11 public testimony;

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13 **WHEREAS**, on March 12, 2008 the Planning Commission adopted Planning
14 Commission Resolution 2008-08 recommending to the City Council approval of a
15 Development Agreement;

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17 **WHEREAS**, on April 15, 2008 the City Council held a public hearing and referred
18 this matter back to the Planning Commission for reconsideration;

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20 **WHEREAS**, on May 14, 2008 and May 28, 2008 the Planning Commission
21 reconsidered its previous action to adopt Planning Commission Resolution 2008-08;

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23 **WHEREAS**, the Planning Commission reconsidered the development agreement
24 and prior to taking action on the application, the Planning Commission received written
25 and oral reports by the staff, and received public testimony;

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27 **WHEREAS**, an environmental assessment, including preparation of an Initial
28 Study, determined that a Mitigated Negative Declaration was necessary to address the
29 environmental impacts associated with the Project;

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31 **WHEREAS**, adoption of this Development Agreement will not result in conflicts
32 with any other appropriate ordinance and to the extent of such a conflict, this resolution
33 is hereby repealed;

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35 **WHEREAS**, the Planning Commission adopted the following findings:

- 36
37 1. The City Council duly adopted Ordinance No. 547 enacting procedures
38 for entering into development agreements.

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2. That this Development Agreement is a contract negotiated and entered into voluntarily between the City of Calistoga, the owners of the subject properties (Ira and Lois Carter and 1881 Mora LLC.), and the project applicant (BNK Investments LLC) of the Vineyard Oaks Subdivision.
3. This Agreement furthers the public health, safety and general welfare and is consistent with the General Plan and that there is no applicable specific plan. City and Developer have further determined that the Project is a development for which this Agreement is appropriate. This Agreement will eliminate uncertainty regarding Existing Project Approvals and Subsequent Project Approvals, thereby encouraging planning for, investment in and commitment to development of the Property. Continued use and development of the Property in accordance with this Agreement is anticipated to provide substantial benefits and contribute to the vitality of the City, thereby achieving the goals and purposes for which the Development Agreement Statute was enacted.
4. That this agreement contains conditions and obligations relating to the performance stated in the resolution(s) approving the project.
5. That the project known as Vineyard Oaks Subdivision is a project of significance to the community and upon the community of Calistoga and for that reason a development agreement is a proper use of the City's authority to secure the project benefits for the community.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings and the conditions and obligations contained in the Development Agreement, the Planning Commission recommends to the City Council adoption of the proposed Development Agreement with the findings, conditions and obligations contained in the record.

PASSED, APPROVED, AND ADOPTED on May 28, 2008, by the following vote of the Calistoga Planning Commission:

AYES:
NOES:
ABSENT/ABSTAIN:

JEFF MANFREDI, Chairman

ATTEST: _____
KATHY A. GUILL
Secretary to the Planning Commission